



# California Regional Water Quality Control Board

## Los Angeles Region

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful



Linda S. Adams  
Agency Secretary

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Arnold Schwarzenegger  
Governor

April 24, 2009

Mr. Dave Whitehead  
Malibu Shores Motel  
22653 Pacific Coast Highway  
Malibu, CA 90265

VIA FACSIMILIE AND MAIL

**NOTICE OF VIOLATION – MALIBU SHORES MOTEL, 23033 PACIFIC COAST HIGHWAY, MALIBU, CA (WASTE DISCHARGE REQUIREMENTS (WDR) ORDER NO. 97-10DWQ), CI-8693, FILE NO. 03-008)**

Dear Mr. Whitehead:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the referenced property above.

**Violation of Waste Discharge Requirements**

You are subject to Order No. 97-10DWQ, in which the Regional Board specifies waste discharge requirements for discharges from your septic system. Under Monitoring and Reporting Program No. 8693, which is part of Order No. 97-10DWQ, you are required to self monitor your discharge and to submit monitoring reports at regular intervals.

You are hereby notified that you are in violation of waste discharge requirements specified in Board Order No. 97-10DWQ, as follows:

• **Failure to Submit Monitoring Reports:**

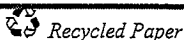
The Regional Board has not received the following monitoring reports as shown in Table 1 below:

MONITORING PERIOD	REPORT DUE
Annual 2007	4/15/08
3 <sup>rd</sup> Quarter 2008	10/15/08

• **Failure to Submit Monitoring Reports on time**

The Regional Board did not receive the following monitoring reports on time, as shown in Table 2 below:

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MONITORING PERIOD	REPORT DUE	DATE RECEIVED	DAYS LATE
4th Quarter 2004	1/15/05	1/18/2005	3
1st Quarter 2005	4/15/05	4/18/2005	3
3rd Quarter 2005	10/15/05	10/18/2005	3
Annual 2005	4/15/06	11/1/2006	200
2nd Quarter 2006	7/15/06	7/17/2006	2
3rd Quarter 2006	10/15/06	10/16/2006	1
4th Quarter 2006	1/15/07	1/16/2007	1
1st Quarter 2007	4/15/07	4/23/2007	8
4th Quarter 2008	1/15/09	1/16/2009	1

- **Violations of Effluent Limits**

You have violated discharge limits put forth within the WDR. These violations are identified in the Table 3 below:

REPORTED DATE	VIOLATION TYPE	CONSTITUENT	REPORTED VALUE	PERMIT LIMIT	UNIT*
4 <sup>th</sup> 2004	Effluent	Flow	1,552	1,200	gpd
1 <sup>st</sup> 2005	Effluent	Flow	1,886	1,200	gpd
2 <sup>nd</sup> 2005	Effluent	Flow	1,602	1,200	gpd
3 <sup>rd</sup> 2005	Effluent	Flow	1,780	1,200	gpd
1 <sup>st</sup> 2006	Effluent	Flow	2,033	1,200	gpd
2 <sup>nd</sup> 2006	Effluent	Flow	1,918	1,200	gpd
3 <sup>rd</sup> 2006	Effluent	Flow	1,539	1,200	gpd
4 <sup>th</sup> 2006	Effluent	Flow	1,432	1,200	gpd
1 <sup>st</sup> 2007	Effluent	Flow	1,580	1,200	gpd
2 <sup>nd</sup> 2007	Effluent	Flow	1,535	1,200	gpd
3 <sup>rd</sup> 2007	Effluent	Flow	2,089	1,200	gpd
4 <sup>th</sup> 2007	Effluent	Flow	1,650	1,200	gpd
1 <sup>st</sup> 2008	Effluent	Flow	1,858	1,200	gpd

\*gpd – gallons per day

- **Violation of Standard Provisions**

You have violated Standard Provisions No. 5 "Change In Discharge, Section (d) Increase in flow beyond that specified in the WDR."

You are required to comply immediately with the following:

1. Immediately submit all missing monitoring reports required by Monitoring and Reporting Program, CI-8693 (see Table 1 above).

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2. In the future, submit your monitoring reports by the due dates listed in Monitoring and Reporting Program, CI-8693.
3. Submit a request for change in discharge and a work plan describing design, operating and maintenance upgrades you have made or will make to accommodate the flow increase.
4. Immediately implement corrective and preventative actions to bring your discharge into full compliance with Order No. 97-10DWQ.
5. Submit, by **May 25, 2009**, a report detailing the corrective and preventive actions taken to come into full compliance with Board Order No. 97-10DWQ.

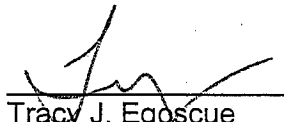
Pursuant to California Water Code §13350 (e), you are subject to penalties of up to \$5,000 for each day in which each violation occurs or \$10 for each gallon of waste discharged, but not both. These civil liabilities may be assessed by the Regional Board for failure to comply, beginning with the date that the violations first occurred, and without further warning.

The Regional Board may request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to CWC §§13262, 13264, 13304, 13331, 13340 and 13386.

Furthermore, the Regional Board may also request that the United States Attorney, appropriate County District Attorney, or City Attorney seek criminal prosecution. A superior court may be requested to impose civil or criminal penalties.

If you have any questions please call Project Manager, Ms. Elizabeth Erickson, at (213) 620-2264 or Unit Chief of Groundwater Permitting, Dr. Rebecca Chou, at (213) 620-6156 regarding this matter.

Sincerely,

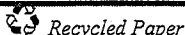


Tracy J. Egoscue  
Executive Officer

Enclosure

cc: Mr. Jim Thorsen, City Manager, City of Malibu  
Mr. Craig George, Division Manager of Building and Safety, City of Malibu  
Mr. Patrick Nejadian, Department of Health Services, Los Angeles County  
Mr. David Pedersen, Department of Public Works, Los Angeles County

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